

<b>Agenda Item</b> 3	<b>Committee Date</b> 27 July 2009	<b>Application Number</b> 09/00638/CCC
<b>Application Site</b> Dunald Mill Quarry, Long Dales Lane, Nether Kellet	<b>Proposal</b> Variation of Condition no. 3 of permission 06/01004/CCC to allow 24 hour operations at the concrete batching plant for a period of 4 weeks including weekends starting 25 September 2009	
<b>Name of Applicant</b> Tarmac Ltd	<b>Name of Agent</b>	
<b>Decision Target Date</b> Comments to Lancashire County Council by 23 July 2009	<b>Reason For Delay</b> Committee timetable	
<b>Case Officer</b>	Peter Rivet	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Objection.	

### **1.0 The Site and its Surroundings**

1.1 Dunald Mill Quarry occupies a site to the south east of Nether Kellet. It is one of the three major limestone quarries in the area immediately east of Carnforth.

### **2.0 The Proposal**

2.1 The last application involving the concrete batching plant on the site was determined by the County Council, as minerals authority, in 2006. The consent granted at that time restricted the working hours to 7:30-18:00 Mondays to Fridays, and 07:30-13:00 on Saturdays.

2.2 Tarmac Ltd wish to supply an important motorway contract involving the M6 motorway between junctions 33 and 34. To keep disturbance to motorway traffic to a minimum, this contract, which is expected to start in September 2009, will run on a 24 hour basis. It requires a substantial amount of concrete.

2.3 Of Tarmac's concrete plants, the Dunald Mill one is by far the closest to the site. Because it is so close to the section of motorway concerned transport costs can be kept to a minimum, enabling the company to put in a very competitive bid. The applicants argue that the plant is well screened and that the main impact of 24 working will be lorries travelling to and from the site, consisting of 2 concrete loads per hour or four HGV movements. These would be routed from Dunald Mill to junction 35 of the M6 via Long Dales lane, Nether Kellet Road/Main Road, and Back Lane.

### **3.0 Site History**

The most recent applications involving the Dunald Mill Quarry are as follows:

Application Number	Proposal	Decision
97/01298/CCC	Determination of conditions, working and restoration schemes	Approved by County Council
98/00495/CCC	Restoration and continued use of batching plant and ancillary facilities	Approved by County Council
06/01004/CCC	Restoration and continued use of batching plant and ancillary facilities	Approved by County Council

#### **4.0 Consultation Responses**

4.1 As this is a County Council application they are responsible for carrying out consultations.

#### **5.0 Neighbour Representations**

5.1 Any representations received will be reported orally at Committee.

#### **6.0 Principal Development Plan Policies**

6.1 The County Council, as Minerals Authority, is responsible for preparing policies dealing with the mineral working throughout the County. These are led by the fundamental constraint that minerals can only be exploited where they are found.

6.2 Despite this, it is appropriate to look at the proposal in relation to Policy ER3 of the Core Strategy which deals with employment land allocations. It requires that employment related sites should be connected to the M6 motorway via suitable roads which do not pass through residential areas.

6.3 The site is within an area identified as Countryside in the Proposals Map accompanying the Lancaster District Local Plan. "Saved" policy E4 of the Local Plan is therefore relevant.

#### **7.0 Comment and Analysis**

7.1 The operation of the batching plant, on the floor of the quarry, is unlikely to give rise to noise and disturbance to people living in Nether Kellet. The same cannot be said of traffic to and from the site.

7.2 The proposal would require the operation of four HGV movements every hour through the upper end of Nether Kellet. This means that they would be passing through the village at (on average) 15 minute intervals, all through the night. The route includes the junction of Back Lane with the main street. Noise from the traffic involved would have a significant adverse impact on the amenities of people living in the area, especially at times when background noise levels are low.

7.3 In sustainability terms, there are as the applicants point out obvious advantages in obtaining limestone from a quarry close to where it is needed. However there are two other quarries even closer to the M6 motorway, at Back Lane and Leaper's Wood. Traffic movements between them and the Carnforth junction would not require the use of the road through Nether Kellet.

7.4 In the past it has been suggested that there would be advantages in routing traffic from Dunald Mill Quarry through one or other of the Quarry sites, avoiding Nether Kellet altogether. This has not however proved possible.

#### **8.0 Conclusions**

8.1 In the absence of a direct route from Dunald Mill Quarry to the M6 junction which does not involve passing through the village of Nether Kellet, it is recommended that Members should object to this proposal.

#### **Recommendation**

That the County Council be advised that the City Council **OBJECTS** to the application, on the following grounds:

1. The proposed use of the site on a 24 hour basis would be detrimental to the amenities of residents of Nether Kellet, as it would involve heavy goods vehicles passing through the village at regular intervals throughout the night.
2. The application, if approved, would set a precedent for 24 hour working at the quarry, making such proposals progressively more difficult to resist.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**